

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16920 of 2004

Between:

Sangabathula Kameshwar Rao, S/o. Koteshwara Rao,
Surpanch-Incharge, Peteru Gram Panchayath,
Repalle Mandal, Guntur.

..... PETITIONER

AND

1 Government of A.P., Panchayathraj and Rurla Development
Department,

Represented by its Principle Secretary, Secretariat, Hyderabad.

2 The District Collector(Panchayat Wing), Guntur District

3 District Panchayath Officer, Guntur, Guntur District, A.P.

4 Smt. N. Rajeshwari, W/o. Nageshwara Rao,

Surpanch (Under Suspension), Peteru Gram Panchayath, Repalle
Mandal,

Guntur District A.P.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction under Article 226 of the constitution of India, particularly one in the nature of Writ of Certiorari quashing the orders passed by the first respondent by his Memo No. 9036/PTS-II-A/2004-1, Panchayathraj and Rural Development Department, dt. 8-9-2004 as unjust, arbitrary and illegal after calling for the records.

Counsel for the Petitioner:MR.NUTHALAPATI KRISHNA MURTHY

**Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ &
RURAL DEV.**

The Court at the admission stage made the following :

-
ORDER
-

The 4th respondent, who was elected as Sarpanch of Peteru Gram Panchayath, Repalle, was placed under suspension by the District Collector (Panchayat Wing), Guntur, on 18.08.2004, in exercise of the powers under Sub-Section (6) of Section 249 of the A.P. Panchayat Raj Act, 1994. Aggrieved by the same, the 4th respondent filed an appeal before the 1st respondent-the Government, on 02.09.2004. The Government after entertaining the appeal, by the interim order stayed the suspension order passed by the District Collector, dated 18.08.2004. Questioning the same, the Upa-Sarpanch, who was directed to assume the charge as Sarpanch-Incharge of Peteru Gram Panchayat, filed the present writ petition.

Learned counsel for the petitioner contends that the petitioner filed a caveat on 02.09.2004, and without hearing the caveator, the Government ought not to have passed the stay order, which is nullity.

Admittedly, the appeal itself was filed on 02.09.2004, whereas the caveat was also filed on the same day. Whether by the time the appeal was circulated to the concerned ministry, the caveat was presented or not, is a matter, which requires to be enquired into by the appellate authority. The petitioner is at liberty to move the appellate authority for vacation of the stay order.

In view of the same, I see no reason to entertain the writ petition. The writ petition is accordingly dismissed. No costs.

A. GOPAL REDDY, J

September 21, 2004
ts

To:

- 1 Principle Secretary, Secretariat, Government of A.P., Panchayathraj and Rural Development Department, Hyderabad.
- 2 The District Collector(Panchayat Wing), Guntur District
- 3 District Panchayath Officer, Guntur, Guntur District, A.P.
- 4 Two C.C.s to the G.P for PANCHAYAT RAJ & RURAL DEV, High Court Buildings, Hyderabad (OUT).
- 5 Two C.D. Copies.